



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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August 2, 1983

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Meeting with EDF and NRDC on Proposed Arsenic
NESHAP

FROM: Earl Salo, Attorney *EARL SALO*
Air, Noise and Radiation Division (LE-132A)

TO: Jack R. Farmer
Acting Director, ESED (MD-13)

On July 29, 1983, EPA staff met with Kristine Hall of EDF and David Doniger of NRDC to discuss the proposed arsenic NESHAP. EPA staff present were Joe Cannon and Chuck Elkins, OANR, Sheldon Meyers and Chuck Freed, OAQPS, Alex Cristofaro, Paul Stolpman and Teresa Gorman, OPRM, Charlie Carter, OGC and myself.

Doniger and/or Hall made the following points:

1. Tacoma-area citizen groups were requesting that the Tacoma hearing be postponed until late October, and national groups, including EDF and NRDC, would request a similar postponement of the Washington, D.C. hearing.

2. EDF and NRDC and the Tacoma-area citizen groups wanted EPA assistance in commenting on technical aspects of the proposal, including the cost, affordability and performance of emission control systems. They suggested that EPA make available to them resources of an EPA contractor.

3. They believed that any technologically defined level of control should be LAER, not BAT as described in the proposal.

4. They believed that an acceptable level of risk should be defined to be a maximum individual risk of 10^{-6} . They said that this level was supported by common sense and by EPA decisions in other areas, for example pesticide regulation.

cc: Chuck Freed, OAQPS, ANR-445
Central Docket Section, LE-131 (Docket No. A-80-40)

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